REMARKS

In the Office Action, the Examiner rejected claims 1-12 and 14-34 under 35 USC §103. Applicant respectfully traverses these rejections.

The Examiner has indicated that claim 13 is allowable.

The claims have been amended to correct various typographical errors and to further clarify the subject matter regarded as the invention. New claims 35-36 have been added. Claims 1-36 are now pending.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §103

In the Office Action, the Examiner rejected claims 1-2, 4-5, 9-12, 20-21, and 31-34 under 35 USC §103(a) as being unpatentable over Palmer et al, U.S. Patent No. 6,791,959, ('Palmer' hereinafter) in view of Jeyaseelan et al, U.S. Pub. No. 2005/0070275, ('Jeyaseelan' hereinafter).

Each of the pending claims triggers roaming of a network device based upon threshold values. Specifically, the speed of the network device is detected, and one or more threshold values at the detected speed are either ascertained (e.g., see claims 1, 20, 32, 33, and 34) or modified (e.g., see claims 21 and 31). Roaming is triggered based upon whether a trigger value meets the threshold value at the detected speed.

Each of the independent claims recites, "detecting a speed of the network device." The Examiner cites col. 6, lines 1-10 of Palmer. Palmer does disclose that roaming can be critical when the "mobile worker" is "moving swiftly." However, this cited portion of Palmer neither discloses nor suggests detecting a specific speed of a network device at which roaming may be triggered. Rather, col. 6, lines 1-10 of Palmer clearly state that Palmer extrapolates future measurements. "This allows anticipation of the need to rate shift or roam

rather than to wait for an unsuccessful transmission or comparison against a fixed predefined threshold." Thus, Palmer teaches away from comparing a current detected measurement against a predefined threshold.

Claims 1, 20, 32, 33, and 34 recite, "ascertaining one or more threshold values corresponding to one or more trigger events and the detected speed of the network device, wherein the one or more threshold values have been configured at the network device." Thus, the threshold values correspond to the detected speed of the network device. For example, as recited in claim 6, the threshold values may be obtained from a profile that includes a plurality of sets of threshold values, where each of the sets of threshold values corresponds to a different set of one or more speeds of a plurality of speeds. Nothing in Palmer discloses or suggests ascertaining one or more threshold values that correspond to the detected speed of the network device.

Similarly, claims 21 and 31 recite, "modifying one or more threshold values corresponding to one or more trigger events such that the one or more threshold values correspond to the detected speed of the network device." However, nothing in Palmer discloses or suggests modifying one or more threshold values such that the threshold values correspond to the detected speed of the network device.

The Examiner cites col. 7, lines 40-57 of Palmer. Col. 7, lines 40-57 indicate that Palmer predicts future measurements, which is "even more critical when the wireless communication device 20 is rapidly transitioning from one call to the next or utilizing high speed." While the cited portion of Palmer discloses determining a relative position, the cited portion fails to disclose or suggest detecting a speed of the device, and therefore fails to disclose or suggest ascertaining or modifying threshold values that correspond to the detected speed.

The Examiner admits that Palmer does not teach "maintaining one or more trigger counters associated with the one or more trigger events" or "triggering roaming when one of the trigger counters associated with one of the trigger events is equal to or exceeds one of the trigger values corresponding to the one of the trigger events at the speed of the network device." The Examiner seeks to cure the deficiencies of Palmer with Jeyaseelan.

Applicant respectfully asserts that Jayaseelan fails to cure the deficiencies of Palmer set forth above. Moreover, it appears that Jayaseelan merely discloses a timer. See

paragraph [0020]. Specifically, Jayaseelan discloses a timer at the expiration of which roaming starts. While a timer may be considered a "counter," the corresponding threshold value would be a specific period of time. Nothing in Jayaseelan discloses or suggests that the threshold value corresponds to the detected speed. As such, the combination of the cited references would fail to operate as claimed.

The Examiner further cites FIG. 3 and paragraph [0026]-[0027] of Jayaseelan. Jayaseelan discloses the use of a percentage of retries as a threshold. In addition, Jayaseela discloses determining whether an average signal strength (RSSI) is less than a threshold. While Jayaseelan does disclose the use of a threshold, the thresholds of Jayaseelan are clearly independent of the detected speed of the device. As such, Applicant respectfully asserts that Jayaseelan fails to disclose or suggest triggering roaming when one of the trigger values associated with one of the trigger events is equal to or exceeds (or is less than or equal to) one of the threshold values that correspond to the one of the trigger events and the detected speed of the network device. Moreover, Jayaseelan fails to cure the deficiencies of Palmer. As such, Applicant respectfully asserts that the combination of the cited references would fail to operate as claimed.

Applicant respectfully asserts that the remaining references fail to cure the deficiencies of the primary references. Based on the foregoing, it is submitted that the independent claims are patentable over the cited references. In addition, it is submitted that the dependent claims are also patentable for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further-discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103.

SUMMARY

An early Notice of Allowance is earnestly solicited. If there are any further issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504480 (Order No. CISCP360).

Respectfully submitted,
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